

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTY DEE HEAVY RUNNER,

Defendant.

CR 09-11-GF-DLC

ORDER

FILED

MAY 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on May 8, 2013. He found that Defendant violated Standard Condition No. 2 by admitting that he had failed to report to his probation officer, despite repeated instructions to do so. Judge Strong recommends that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months with no supervised release to follow. No objections have been filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309,

1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated Standard Condition No. 2 by failing to report to his probation officer as directed. Judge Strong is correct that the United States Sentencing Guidelines call for 3 to 9 months imprisonment, and a term of supervised release up to 27 months, less any custodial time imposed. This Court agrees that a sentence of 6 months custody followed by no supervised release is appropriate as this is Defendant's second revocation and he made no effort to comply with his supervised release conditions after completing his term at the pre-release center.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 360) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 30th day of May, 2013.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court